

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

ALLSTATE INSURANCE COMPANY,

Plaintiff,

v.

ANDREW SERAFINI, et al.,

Defendants.

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CAUSE NO. 1:15-CV-65

OPINION AND ORDER

On March 13, 2015, this Court entered an Opinion and Order directing Plaintiff to file an Amended Complaint on or before March 27, 2015, that properly alleges the citizenship of Defendants. (Docket # 4.) Now before the Court is Plaintiff's Second Amended Complaint that names two additional Defendants, Leslie Kidwell and Polly Kidwell, but repeats the same deficient jurisdictional allegations concerning all Defendants. (Docket # 6.)

To reiterate, with respect to the six individual Defendants, residency is meaningless for purposes of diversity jurisdiction; an individual's citizenship is determined by his or her domicile. *Dakuras v. Edwards*, 312 F.3d 256, 258 (7th Cir. 2002); *see Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012) ("[R]esidence may or may not demonstrate citizenship, which depends on domicile—that is to say, the state in which a person intends to live over the long run."); *Guar. Nat'l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party's "residency" are not proper allegations of citizenship as required by 28 U.S.C. § 1332). Therefore, Plaintiff must advise the Court of the domicile of each of the six individual Defendants, which demonstrates citizenship.

With respect to the two Defendant Estates, under 28 U.S.C. § 1332(c)(2), "the legal

representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent.” *Gustafson v. zumBrunner*, 546 F.3d 398, 400-01 (7th Cir. 2008) (noting that the federal diversity statute treats the legal representative of a decedent’s estate as a citizen of the same state as the decedent); *accord Hunter v. Amin*, 583 F.3d 486, 491-92 (7th Cir. 2009). Therefore, Plaintiff must recite the domicile of each decedent at the time of his death, and in turn, the citizenship of each Estate.

Again, Plaintiff is ORDERED to file a supplement to the record on or before March 27, 2015, that properly alleges the citizenship of each Defendant.

SO ORDERED.

Enter for this 19th day of March 2015.

s/ Susan Collins
Susan Collins,
United States Magistrate Judge